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WILLIAM J. DOBIE

October 4, 2021

BY ECF

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. Leon Klein et ano.*, 19-Cr-881 (KMK)
(Motion to Adjourn Pre-Trial Motion Deadline)

Dear Judge Karas:

This firm represents Leon Klein, the remaining defendant in the above-referenced action. I am writing on behalf of Mr. Klein to request a two-month adjournment of the current motion schedule which would otherwise require Mr. Klein to file motions by today.

As Your Honor is well-aware from prior proceedings in this matter, subsequent to the initiation of charges in this matter, Mr. Klein was diagnosed with a number of different cancers, some of which are often fatal. Mr. Klein continues to undergo medical treatment for these conditions, as well as for the ancillary conditions that have arisen as a result of those treatments. At the last court appearance, the Court initially set what was admittedly a generous motion schedule, but it anticipated that Mr. Klein in the interim would receive treatments and testing that would provide greater clarity concerning his prognosis.

Mr. Klein's treatments and tests did not occur as quickly as anticipated. Moreover, while I have made attempts over the past months to obtain an update and assessment from Mr. Klein's oncologist, I was just informed by Mr. Klein's medical coordinator that his oncologist had been dealing with the recent death of a parent, which is likely why my requests for information have gone unanswered. Based on my conversations with Mr. Klein's medical coordinator, within the next two months Mr. Klein will be concluding a regimen of treatments, and will be scheduled for a least one surgical procedure, after which his medical team will be in a much better position to assess his prognosis.

I will then be in a position to make and support a motion for an indefinite continuance consistent with the standards set forth *United States v. Reddy*, 2003 WL 22339464 (S.D.N.Y 2003),

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Hon. Kenneth M. Karas
October 4, 2021
Page 2

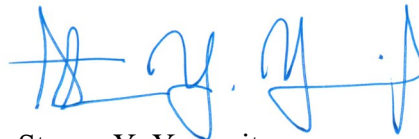
or will be able to state that Mr. Klein is fit to proceed to trial because, against pretty dismal odds, he will have succeeded in overcoming his cancers. Unfortunately, I am not in position to advance either course of action at this time.

In my recollection, the current dilemma was anticipated as a possible scenario, and Your Honor indicated that you would be amenable to an additional extension if necessary. In contrast, the government has informed me that, in view of the lengthy delays in this matter, it will not consent to this application, and has required me to take the matter up with the Court.

Accordingly, I respectfully request that this application be granted, and the deadline for Mr. Klein's pretrial motions be adjourned until December 6, 2021.

The Government is to respond to this letter by 10/7/21. Time is excluded until then, in the interests, of justice, to allow the Parties a fair opportunity to address the briefing schedule in this case, in light of Defendant's letter. The interests of justice from this exclusion outweigh Defendant's and the public's interests in a speedy trial. See 18 U.S.C. Section 3161(h)(7)(A).

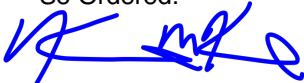
Respectfully submitted,



Steven Y. Yurowitz

cc: AUSA Shiva Logarajah (by ECF)

So Ordered.



10/4/21